

council members vote for the applicants they believe are most qualified and should be nominated to the governor.

**Once the Council nominates the most highly qualified applicants, who makes the ultimate appointments?**

Under Alaska’s Constitution, the governor makes the ultimate appointments to fill judicial vacancies.

**Once appointed, how long do judges remain in office?**

All judges must go through a retention election within 2-3 years of appointment. During this election the public votes either “yes” or “no” on whether the judge should remain in office. As long as a judge continues to be retained by the voters, they may remain on the bench until they reach the age of 70 at which time they have mandatory retirement under the Alaska Constitution.

**How often do judges stand for retention?**

Judges serve an initial term of 2-3 years, depending on the court, before they stand for retention. After the initial retention election, the terms of office are:

- District Court - 4 years
- Superior Court - 6 years
- Court of Appeals - 8 years
- Supreme Court - 10 years

**How do I get information regarding judges who are standing for retention?**

The Alaska Judicial Council conducts surveys of different groups of court users, reviews court records, solicits public input, and holds public hearings to evaluate each judge who is standing for retention and issues a recommendation.

The Alaska Judicial Council makes the results of its investigations and its recommendations available on its website: [www.ajc.state.ak.us](http://www.ajc.state.ak.us). In addition, the Alaska Court System provides information on its website about each of the judges who serve in the Alaska courts: <http://courts.alaska.gov/ak-judges.htm>. Finally, information about each judge standing for retention is included in the State of Alaska’s Voter Pamphlet that is mailed to each registered voter in Alaska. As a result of all these efforts and the constitutional structure of Alaska’s judicial selection and retention process, Alaskans have the opportunity and ability to know more

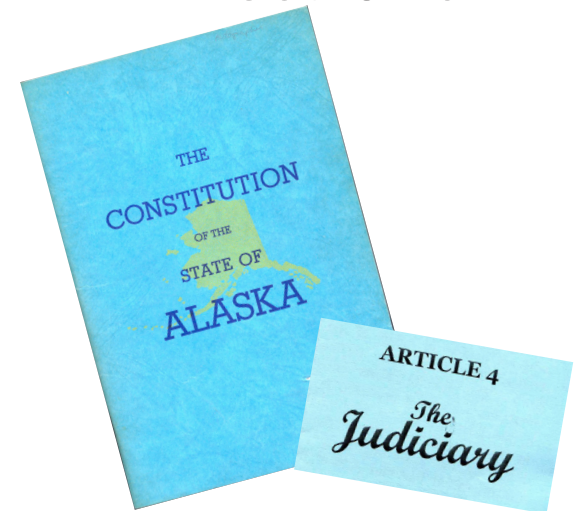
**How is a judicial retention election different from a traditional popular election?**

Unlike most political candidates, judges do not run against anyone and are prohibited from campaigning by the Alaska Code of Judicial Conduct unless and until some person or organization does something to try to convince the voters to vote for the removal of the judge from office.

Unlike in a political race, there is no deadline for declaring an intent to oppose a judge’s retention. Combined with the ethical restrictions on judicial campaigning, this make judges vulnerable to last-minute, unfair opposition campaigns.

Judges don’t take political positions in the retention process or campaign on issues other than their fitness as a judge.

# Alaska’s Constitution: Selecting Judges Based On Merit and Judicial Retention Elections



## Frequently Asked Questions

### **What process for selecting judges did the authors of Alaska's Constitution put in place?**

Alaska's judges are selected by what is called the Judicial Merit Selection System. The authors of Alaska's Constitution believed that it was important to have judges who were honest, fair, impartial, intelligent, experienced in applying the law, committed to following the rule of law and serving the interests of justice. Likewise, the authors believed that traditional partisan politics, with its influence of money, political patronage, deal-making and favoritism, posed too great a threat and impediment to achieving the desired goal of having a judiciary composed of such fair and impartial judges. That's why the authors of the constitution decided that Alaska's judges should be chosen by the Judicial Merit Selection System. The people of Alaska agreed with their proposal and, as a result, the Judicial Merit Selection System for selecting Alaska state court judges was approved by Alaska's voters when they voted to adopt the Alaska Constitution.

Under the Merit Selection System, a constitutionally authorized and required committee called the Alaska Judicial Council carefully reviews the qualifications of every applicant who applies to serve as a judge in a state court of Alaska. The Alaska Judicial Council is composed of an equal number of lawyers and non-lawyers and chaired by the Chief Justice of the Alaska Supreme Court. In addition to reviewing the applications submitted by each applicant for a judicial position, the Alaska Judicial Council conducts a thorough background investigation of each

applicant; reviews references and letters from the public concerning each applicant; holds public hearings where members the public have the opportunity to express their views on suitability of each applicant for judicial office; and personally interviews each applicant. Then, after that thorough review and careful deliberations, the Alaska Judicial Council selects two or more applicants from among the most qualified applicants for the position and submits their names and applications to the Governor. The Governor then has 45 days to appoint one of the recommended applicants. After each judge is appointed, at regular intervals, the voters of Alaska have the opportunity to vote whether that judge should be allowed to remain in office or should be replaced.

### **How does the judicial merit selection system operate?**

Judicial merit selection involves a very in-depth evaluation of judicial applicants conducted by the Alaska Judicial Council. When a judicial vacancy occurs, a notice of vacancy is distributed to all Alaskan attorneys. Interested persons must then file a detailed application with the council that lists all past educational and work experience, community activities, and other background information. Each applicant is then investigated by the council through a variety of methods (described below), after which each applicant is interviewed by the council and asked to address any concerns the investigation may have raised. After all applicants for a vacancy are interviewed and evaluated, council members vote to select which applicants will be nominated to the governor. The council must nominate at least two applicants for each vacancy to be filled, and the governor

has 45 days after receiving the nominations to fill the vacancy. The judicial selection process typically takes 6-8 months to complete, between the time a vacancy arises and the time a new judge is appointed.

### **How are candidates for judgeships investigated by the Council?**

There are many steps to the council's investigation process, which include:

- Soliciting comments from the public through the council's website (<http://www.ajc.state.ak.us/selection/selecmnts.html>) and at public hearings (for schedule, see <http://www.ajc.state.ak.us/pubhrng.html>);
- Reviewing ratings and comments from surveys of thousands of Alaskans, including peace and probation officers, court employees, attorneys, jurors, social workers and child advocates;
- Soliciting feedback from the attorneys and judges involved in an applicant's most recent cases;
- Reviewing any civil or criminal litigation involving an applicant;
- Reviewing any disciplinary files or proceedings concerning an applicant with the Alaska Bar Association or Commission on Judicial Conduct; and;
- Reviewing ratings and observations of independent, community-based volunteer court observers.

### **How does the Council decide who to nominate for judgeships?**

After investigations are completed, public hearings held, and interviews conducted,